

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8008 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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MATSYA KHEDUT VIKAS SANSTHA

Versus

BABUBHAI BHIKHABHAI VAGHELA

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Appearance:

MR HS MUNSHAW for Petitioner

MR JV JAPPEE for Respondent No. 1

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CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 10/12/1999

#### ORAL JUDGEMENT

Heard the learned advocates for the respective parties. The respondent was employed as a Fieldman on daily wages in the Matsya Khedut Vikas Sanstha. According to the petitioner, initially there were two posts but one post was discontinued by the Government and hence the respondent had to be discharged. The Labour Court has allowed the reference and ordered the respondent to be reinstated with back-wages. It is not

disputed that there is no post available and it is not possible to reinstate the respondent in service. In the circumstances, the only option is to compensate him by awarding suitable amount as compensation in lieu of reinstatement. Figures were suggested and discussed at the Bar and after hearing the learned advocates for the parties, I am of the opinion that the ends of justice would be met, if the respondent is awarded Rs. 1,12,000/- (Rs. One lac twelve thousand only) in lieu of his reinstatement in service and back-wages. The petitioner shall pay the said amount to the respondent within a period of one month from today. The award of the Labour Court shall stand modified accordingly. Rule is made absolute to the aforesaid extent. No order as to costs.

Date: 10/12/1999. -----  
(ccshah)